

HON. RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICHAEL DUDLEY AND SHERRY
DUDLEY, individually, and on behalf of all
others similarly situated,

Plaintiffs,

v.

FORTIVE CORPORATION,

Defendant.

Case No. 2:24-cv-01668-RAJ

**ORDER GRANTING UNOPPOSED
JOINT MOTION TO CONSOLIDATE
RELATED CASES AND UNOPPOSED
JOINT MOTION TO APPOINT
INTERIM CLASS COUNSEL**

SETH TOEPFER, on behalf of himself and all
others similarly situated,

Plaintiff,

v.

FORTIVE CORPORATION and ACCRUENT,
LLC,

Defendant.

Case No. 2:24-cv-01694-BJR

MARILYN CAZARES, on behalf of herself and
all others similarly situated,

Plaintiff,

v.

FORTIVE CORPORATION, ADVANCED
STERILIZATION PRODUCTS SERVICES
INC., and ADVANCED STERILIZATION
PRODUCTS, INC.,

Defendants.

Case No. 2:24-cv-01741-TL

ORDER GRANTING UNOPPOSED JOINT MOTION TO CONSOLIDATE
RELATED CASES AND UNOPPOSED JOINT MOTION TO APPOINT
INTERIM CLASS COUNSEL– 1 (Case No. 2:24-cv-01668-RAJ)

STRAUSS BORRELLI PLLC
980 N Michigan Avenue, Suite 1610
Chicago, Illinois 60611-4501
TEL. 872.263.1100 • FAX 872.863.1109
straussborrelli.com

This matter is before the Court on the Unopposed Joint Motion to Consolidate Related Cases and Unopposed Joint Motion to Appoint Interim Class Counsel (the “Motions”) under Federal Rules of Civil Procedure 42 and 23 by Plaintiffs in three related cases:

1. *Michael Dudley and Sherry Dudley v. Fortive Corporation*, 2:24-cv-01668-RAJ (the “Dudley Lawsuit”);
2. *Seth Toepfer v. Fortive Corporation and Accruent, LLC*, No. 2:24-cv-1694 (the “Toepfer Lawsuit”); and
3. *Marilyn Cazares v. Fortive Corporation, Advanced Sterilization Products Services, Inc., and Advanced Sterilization Products, Inc.*, No. 2:24-cv-01741-TL (the “Cazares Lawsuit,” and, collectively with the *Dudley* and *Toepfer* Lawsuits, the “Related Cases”).

For the reasons in Plaintiffs’ Motions, to ensure consistent and efficient adjudications in this Court and conserve the resources of the Court and the parties, and for other good cause shown, the Court hereby GRANTS the Motions, and issues the following orders:

1. The *Dudley*, *Toepfer*, and *Cazares* actions currently pending in this District, and any other action arising out of the same or similar operative facts now pending or hereafter filed in, removed to, or transferred to this District shall be consolidated for pretrial purposes and trial proceedings pursuant to Federal Rule of Civil Procedure 42(a) before the Honorable Richard A. Jones (hereafter the “Consolidated Action”).

2. All papers filed in the Consolidated Action shall be filed under Case No. 2:24-cv-01668-RAJ, the number assigned to the first-filed case and reflect the following caption:

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

| | | |
|--|-----------------------|--|
| IN RE: FORITVE DATA SECURITY LITIGATION |))))) | Master File No. 2:24-cv-01668-RAJ |
| This Document Relates To: |)) | |

1 3. The case file for the Consolidated Action will be maintained under Master File No.
 2 2:24-cv-01668-RAJ. When a pleading is intended to apply to all actions to which this Order
 3 applies, the words “All Actions” shall appear immediately after the words “This Document Relates
 4 To:” in the caption described above. When a pleading is not intended to apply to all actions, the
 5 docket number for each individual action to which the paper is intended to apply and the last name
 6 of the first-named plaintiff in said action shall appear immediately after the words “This Document
 7 Relates To:” in the caption identified above, *e.g.*, “No. 2:24-cv-1694 (“*Toepfer*”).”

8 4. Any action subsequently filed in, transferred to, or removed to this Court that arises
 9 out of the same or similar operative facts as the Consolidated Action, shall be consolidated with
 10 the Consolidated Action for pre-trial purposes. The Parties shall file a “Notice of Related Action”
 11 whenever a case that should be consolidated into this action is filed in, transferred to, or removed
 12 to this District.

13 5. If the Court determines that the case is related, the clerk shall:

- 14 a. Place a copy of this Order in the separate file for such action;
- 15 b. Serve on Plaintiffs’ counsel in the new case a copy of this Order;
- 16 c. Direct that this Order be served upon defendant(s) in the new case; and
- 17 d. Make an appropriate entry in the Master Docket.

18 6. The Court appoints J. Gerard Stranch, IV of Stranch, Jennings & Garvey, PLLC,
 19 Raina Borrelli of Strauss Borrelli, PLLC, Marc H. Edelson of Edelson Lechtzin, LLP, and Lynn
 20 A. Toops of Cohen & Malad, LLP as Interim Co-Lead and Class Counsel in the Consolidated
 21 Action. The Court bases this appointment on the above attorneys’ qualifications and credentials
 22 as set forth in Plaintiffs’ Unopposed Joint Motion to Appoint Interim Class Counsel and on the
 23 agreement of all Plaintiffs’ counsel.

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7. The Court sets the following briefing schedule following this Order:

- a. Plaintiffs shall file a Consolidated Complaint no later than 30 days following the entry of this Order;
- b. Defendants shall file an Answer or responsive pleading 30 days following service of the Consolidated Complaint;
- c. Plaintiffs shall file their response to Defendants' pleading 30 days thereafter;
- d. Defendants shall file any reply 14 days thereafter.

IT IS SO ORDERED.

DATED this 4th day of December, 2024.

Richard A. Jones

The Honorable Richard A. Jones
United States District Judge